

IN RE THE MATTER OF:

**Kris Zetterlund
Darden Restaurants, Inc.
1000 Darden Center Drive
Orlando, FL 32837**

**Re: Variance Request Dated November 9, 2009, # 27-2009
and Section 195, Reduced Oxygen Packaging Criteria, 410 IAC 7-24,
Retail Food Establishment Sanitation Requirements**

Order to Grant a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Mr. Kris Zetterlund, Darden Restaurants, Inc., 1000 Darden Center Drive, Orlando, FL 32837.

This variance is based on the variance application submitted on November 9, 2009 and supplemental information later provided via in-person meetings.

Order

This variance is subject to the following terms and conditions and is valid only as specified herein:

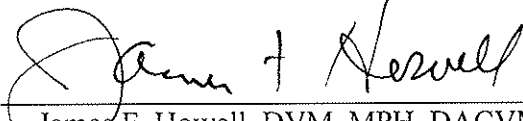
1. A variance is hereby issued to Darden Restaurants, Inc. (Darden), 1000 Darden Center Drive, Orlando, FL 32837 for the requirement of 410 IAC 7-24-195 with the following conditions:
 - A. This practice is limited to the currently existing 18 Olive Garden (Darden) facilities located in Indiana as of this approval Order. Any additional facilities that Darden desires to be added must first be submitted and approved by the ISDH prior to implementation. In addition, the Order is limited to soups and sauces only;
 - B. The "cook-chill" process may be used with a maximum hold time of 72 hours for these products as per the Darden standard operating procedures (SOP). The product must be rapidly cooled as per the ISDH rule and then maintained at 38 degrees F until used or discarded. This process will be used in lieu of the second barrier normally required;

- C. The continuous electronic monitoring of the ambient air temperature of the storage cooler where the products will be stored is to be accomplished by the use of a "data logger" type device. The recorded temperature interval will be no less than every 30 minutes when the product is in storage. The records of these temperatures shall be maintained for no less than 6 months and shall be made available to the regulatory authority upon request within 24 hours after such request is made to the "person-in-charge" of the facility.
 - D. The electronic monitoring devices must be in-place and operational by January 31, 2011. During the interim period a new SOP will be implemented that will require ambient air temperature monitoring of the product storage unit every 2 hours from 7 am until 11 pm with an appropriate log sheet completed by an onsite manager. This will be implemented by October 15, 2010 and these records will also be maintained for at least 6 months;
 - E. The packaging process of these products will be done in an area specifically designated for such activities and enough separation provided to avoid any environmental contamination from compromising the product, such as mop sinks, trash receptacles, etc.;
 - F. The controls for meeting the conditions of this approval shall be assessed by the local health department on each inspection to ensure compliance with the Darden SOP;
 - G. A copy of this approval letter must be kept onsite in the establishment at all times and readily available for review by the local or ISDH personnel; and
 - H. The ISDH shall be notified of any substantive changes in the process if they occur.
- 2. Darden shall comply in all aspects of 410 IAC 7-24, as determined by the local health department, except as stated above. Any change to the management or structure of the operation could invalidate this variance Order.
 - 3. This variance Order is limited to Darden and the current scope of the existing operations. This variance Order is not transferable to a new owner.
 - 4. This variance Order is limited to being in compliance with all other applicable state and local regulations.
 - 5. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 24th DAY OF SEPTEMBER 2010.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF
FOOD PROTECTION RULES AS STATED ABOVE.

GREGORY N. LARKIN, M.D.
STATE HEALTH COMMISSIONER

By: 
James F. Howell, DVM, MPH, DACVMP
Assistant Commissioner
Public Health and Preparedness Commission

cc: Local Health Departments
ISDH Food Protection Program Staff
Kris Moore, FDA